

EXHIBIT A

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS**

Index No: 732/2024

LUTHER LOPEZ

Petitioner,

VS

NOTICE OF PETITION

TRANSUNION

EXPERIAN

CHEX SYSTEM

Respondent,

PLEASE TAKE NOTICE that upon the verified petition of Luther Lopez, sworn to on 9-6-2024 2024 and the attached exhibits, petitioner will request this court, at 9:30 am on the 26 day of September 2024, at the Courthouse, at 10 Maxwell Street Poughkeepsie NY 12601 for a judgment, pursuant to Civil Practice Law and Rules Article 4, granting the following relief to the petitioner:

*to remove all disputed items
previously previously disputed*

and for such other and further relief as this court may deem just and proper.

Dated:

9-13-2024

Respectfully submitted,

L. Lopez

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS**

LUTHER LOPEZ

Petitioner,

VS

TRANSUNION

EXPERIAN

CHEX SYSTEM

Respondent,

Index No. 732/2024

**AFFIDAVIT IN SUPPORT
WITH TRO**

STATE OF NEW YORK
COUNTY OF DUTCHESS ss:

Luther Lopez being duly sworn, deposes and says:

1. I am the Petitioner in this matter. I make this affidavit in support of this motion for an order INSTRUCTING ALL THE ABOVE NAMED RESPONDENTS TO REMOVE EACH AND EVERY DISPUTED ITEM LISTED BY THE PETITIONER ORIGINALLY FILED WITH THE CPFB
2. (a) pursuant to Section 202.7 (f) of the Uniform Civil Rules for the Supreme Courts, i have made a good faith effort to notify the opposing adversary by Phone on 9-5-2024 that i would be submitting an application to the court seeking interim relief at 10 Market Street, Poughkeepsie NY 12601 on 9-26-2024.
3. I believe the court should grant this motion because : it has already been established that the petitioner has been a victim of fraud, identity theft, in addition all the above named respondents (except chex system based on limited research) have a history of engaging in false reporting, inaccurate reporting and misleading reporting (see attached exhibits)
4. No prior application has been made for the relief sought herein except: NONE

WHEREFORE, I respectfully request that this motion be granted, and that I have such other and further relief as may be just and proper.

Sworn to before me on Sept. 6, 2024



State of New York County of DUTCHESS ss.
On the 6th day of SEPTEMBER in the year 2024
before me, the undersigned, personally appeared.

LUTHER LOPEZ
personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is(are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Elberta Lynn Gaither
Notary Public

ELBERTA LYNN GAITHER
Notary Public, State of New York
No. 01GA6334994
Qualified in Dutchess County
Commission Expires December 28, 2027

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS**

LUTHER LOPEZ

Petitioner,

VS

TRANSUNION

EXPERIAN

CHEX SYSTEM

Respondent,

Index No. 732/2024

**ORDER TO SHOW CAUSE
WITH TEMPORARY
RESTRAINING ORDER**

Upon the reading and filing the affidavit of Luther Lopez sworn to on the 6 day of September 2024 and upon the exhibits attached to the affidavit, and

Let the Respondents or his/her attorney show cause at IAS part _____, of this Court, to be Held at the Courthouse at 10 Market Street, Poughkeepsie, NY 12601 at 930 or as soon as counsel may be heard why an order should not be made ORDERING ALL THE ABOVE NAMED RESPONDENTS TO REMOVE EACH AND EVERY DISPUTED ITEM LISTED BY THE PETITIONER IN HIS ORIGINAL COMPLAINT WITH THE CFPB

AND WHY, Luther Lopez, the Petitioner should not have such other and further relief as may be just, proper and equitable.

Pending the hearing of this motion it is ORDERED that ALL THE ABOVE RESPONDENTS SHALL REMOVE EACH AND EVERY DISPUTED ITEM LISTED BY THE PETITIONER IN HIS ORIGINAL COMPLAINT WITH THE CFPB

Sufficient cause appearing thereof, let personal service of a copy of this order, and the other papers upon which this order is granted, upon all the above named respondents on or before the ____ day of _____ 2024 be deemed good and sufficient. An affidavit or other proof

of service shall be presented to this court of the return date directed in the second paragraph of this order.

Hon.
Justice of Supreme Court

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS**

Index No: 732/2024

LUTHER LOPEZ

Petitioner,

VS

VERIFIED PETITION

TRANSUNION

EXPERIAN

CHEX SYSTEM

Respondent,

**TO THE SUPREME COURT OF THE STATE OF NEW YORK, COUNTY OF
DUTCHESS**

The petition of Luther Lopez respectfully show to this Court as follows:

1. Petitioner resides at 426 Main Street, Beacon, NY 12508
2. The respondent(s) are credit reporting agencies and/or third party entities.
3. I am respectfully asking the Court to issue a TRO against all the above named

Defendants, until this matter can be fully adjudicated. In addition, I am respectfully asking this court to set a hearing date, so that all the above named parties can bring or show proof of their alleged investigation into the Plaintiffs request to have a number of incorrect, improper and fraudulent items removed from his credit report or/and report.

The above requested actions are based on the following reasons:

- In 2017 the credit reporting agency, Equifax, had an enormous data breach, in which case the Petitioner was affected. (see exhibit A)
- On or about July 22, 2019 Equifax was sued in a class action by the FTC and the CFPB (case no. 1:17-md-2800 TWT) the case was settled for 575 Million. The Petitioner did not participate in class action lawsuit, instead the Petitioner filed his

own separate civil lawsuit against the Defendant on or about June 1, 2024 (case no. 1:24-cv-03681-LTS) The case was adjudicated on or about June 14, 2024.

- The Petitioner has conveyed on several occasions to all the above Respondent(s) via the CFPB that he has been the victim of identity theft, identity fraud, unauthorized charges and fraud. The Petitioner has filed several disputes with all the above named respondents.
 - All the above named Respondents have alleged that they conducted investigations into each and every dispute filed by the Petitioner and the results were accurate and verified.
 - For all the above named Respondents to engage in a proper and thorough investigation into each and every disputed item would take months if not several years, therefore the respondents, simply put, are lying. Therefore, the petitioner is now moving this issue to the courts under oath now.
 - In addition, Experian had a data breach also in or around in 2022 or prior, in which case they settled for 22.5 million for reporting inaccurate information (see attached exhibit b) Experian is still engaging in such activities.
 - Transunion also had a data breach in or around 2021 in which case they settled for 15 million with the FTC and the CFPB. (see attached exhibit c)
4. Attached are copies of all relevant documents.
 5. A prior application has not been made for the relief now requested.

WHEREFORE, the Petitioner respectfully request that this Court grants the following relief:

- TRO for all the above named Respondents to remove all the disputed items originally contested until this matter can be properly adjudicated.
- For all the above named Respondents to provide a detailed explanation on the tangible and substantive proof they received and relied upon to finalize a determination of verified and accurate.
- The names, addresses and contact information of the individuals all the above named Respondents spoke to in order for all the above named Respondents to reach the determination that the information was verified and accurate.

Dated: 9-6 2024

/s/ Luther Lopez
426 Main Street
Beacon, NY 12508
234-417-7585
lplopez123@gmail.com

VERIFICATION

STATE OF NEW YORK §6
COUNTY OF ~~NEW YORK~~ DUTCHESS

LUTHER LOPEZ being duly sworn, deposes and says: That i am the petitioner in this proceeding, that i have read the foregoing petition and know the contents thereof, that the same is true to my own knowledge, except as to matters therein stated to be alleged on information and belief, and that as to those matters i believe them to be true.

Sworn to before me on SEPT. 6, 2024



State of New York County of DUTCHESS Yes
On the 6th day of SEPTEMBER in the year 2024
before me, the undersigned, personally appeared
LUTHER LOPEZ
personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is(are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.
[Signature]
Notary Public

ELBERTA LYNN GAITHER
Notary Public, State of New York
No. 01GA6334994
Qualified in Dutchess County
Commission Expires December 28 2027

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS**

LUTHER LOPEZ

Petitioner,

VS

TRANSUNION

EXPERIAN

CHEX SYSTEM

Respondent,

Index No. 732/2024

SUPPLEMENT ADDENDUM

Attached this supplemental addendum are additional exhibits outlining the disputable items and the dates of such.

- Exhibit D-1 and D-2 shows the damage that occurred from chex systems negligence and inaccurate reporting. The Petitioner was denied membership in a credit union
- Exhibit E-1 and E-2 details the disputed items that experian failed to properly reinvestigate and remove on or about April 25th, 2024 (in addition, the Petitioner filed complaints with the CFPB prior to April and after April)
- Exhibit F-1, F-2 and F-3 details the disputed items that transunion failed to properly reinvestigate and remove on or about April 26, 2024
- Exhibit G-1 and G-2 details the disputed items that transunion failed to properly reinvestigate and remove on or about February 22nd, 2024.

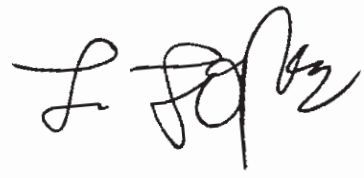
SUPPLEMENTAL LEGAL ARGUMENTS

- 15 U.S.C. 1681 (e) (b) states the following: "*whenever a consumer reporting agency prepares a consumer report it shall follow reasonable procedures to assure maximum possible accuracy of the information concerning the individual about whom the report relates*" (Greenwood vs TransUnion, LLC No. C19-3039-LTS August 10, 2021)

/18/2024 (00KR44) 181.181235.01010604

- 15 U.S.C. 1681 (i) states the following: *"if the completeness or accuracy of any item of information contained in a consumers file at a consumer reporting agency is disputed by the consumer and the consumer notifies the agency directly or indirectly through a reseller, of such dispute the agency shall free of charge conduct a reasonable reinvestigation to determine whether the disputed information is inaccurate and record the current status of the disputed information or delete the item from the file in accordance with paragraph (5) before the end of the 30 day period beginning on the date which the agency receives the notice of the dispute from the consumer or reseller"*
((Greenwood vs TransUnion, LLC No. C19-3039-LTS August 10, 2021)
- In the Greenwood vs TransUnion decision, the court stated "a consumer must dispute an item of information reported in his or her file to trigger 1681 (i), in which case the petitioner has done on several occasions.
- Section 611 (a) mandates CRA duty to reinvestigate any disputed items. The petitioners position is, the respondents (all the above named respondents) knowingly, willfully and intentionally failed to reinvestigate or/and properly reinvestigate the petitioners claim or//and dispute.

9-13-2024



**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS**

-----X
LUTHER LOPEZ,

Petitioner,

-against-

ORDER TO SHOW CAUSE

Index No.: 732/2024

TRANSUNION
EXPERIAN
CHEX SYSTEM,

Respondents.
-----X

ACKER, J.S.C.

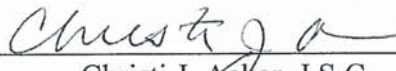
Upon reading and filing the Verified Petition with Exhibits of **LUTHER LOPEZ** dated September 6, 2024, which includes a request for a Temporary Restraining Order ("TRO") it is hereby

ORDERED that the Respondents herein show cause before the undersigned at 10 Market Street, 2nd Floor, Poughkeepsie, New York, on **October 30, 2024** at 9:30 a.m., **personal appearances required** or as soon thereafter as the parties can be heard why an order should not be made for the relief requested in the supporting papers, including Petitioner's request for a TRO, and why the Petitioner should not have such other and further relief as to the court seems just and proper; and it is further

ORDERED that the Petitioner serve a copy of this Order and the papers upon which it is based upon Respondent Transunion's counsel, Joshua Stiers, Esq., at 555 W. Adams St., Chicago, IL 60661 and upon Respondent Experian and Chex System **via USPS Priority Mail delivery** on or before **October 4, 2024**; and it is further

ORDERED that Petitioner shall send proof of service directly to Chambers on or before **October 18, 2024**; and it is further

ORDERED that the Court will entertain Petitioner's request for a TRO at the appearance on October 30, 2024, at which time a briefing schedule will be set.



Christi J. Acker, J.S.C.

Dated: Poughkeepsie, New York
September 24, 2024

PERSONAL APPEARANCES ON ARE REQUIRED ON THE RETURN DATE